

(13)

Amend the bill by adding after Section 4, on page 3, the following: "Section 5. Such corporations shall have the right and authority to supply and sell electric light and power to the public and municipalities."

(14)

Amend the bill by striking out the words "Section 6," in line 18, page 3, and insert in their stead, "Section 7."

(15)

Amend the bill by inserting after the word "Texas," in line 2, page 3, thereof, the following: "Except Article 4439."

By Senators Glasscock and Stone:

(16)

Amend the bill by adding after the word "railways," in line 9, page 1, the following: "Or any other railroad run or operated by steam or otherwise."

(17)

Amend the bill by adding after the word "thereby," in line 8, Section 2, page 2, as follows: "And the approval of the city council of incorporated cities and towns and of the commissioners court in other parts of the county through which same may pass."

## EXECUTIVE MESSAGE.

Executive Office, State of Texas,  
Austin, Texas, January 25, 1907.

To the Senate.

I ask the advice and consent of the Senate to the appointment of W. E. Pope of Madison county, Texas, to be District Attorney of the Twelfth Judicial District of Texas, to fill the vacancy caused by the resignation of L. T. Dashiell.

T. M. CAMPBELL, Governor.

## EXECUTIVE SESSION—TIME SET FOR.

On motion of Senator Meachum, next Tuesday, January 29, was designated as the time for the Senate to go into executive session for the purpose of consideration of the above appointment.

## ADJOURNMENT.

On motion of Senator Skinner, the Senate, at 1 o'clock, adjourned till Monday morning at 10 o'clock.

## APPENDIX.

## COMMITTEE REPORT.

Committee Room,  
Austin, Texas, January 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 94, A bill to be entitled, "An Act to amend Article 325 of Title V, Chapter 4, of the Code of Criminal Procedure of the State of Texas, pertaining to the taking of bail in felony cases when court is in session, and authorizing the sheriff or other peace officer, having in custody the accused, to take a bail bond, and repealing all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

TERRELL, Chairman.

## FIFTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Monday, January 28, 1907.

Senate met pursuant to adjournment.

Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Glasscock.	Murray.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Harbison.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Faust.	Paulus.
Harper.	Stokes.

Prayer by Rev. Dr. Briggs of Austin.

Pending the reading of the Journal of Friday, on motion of Senator Brachfield the same was dispensed with.

(See Appendix for committee reports.)

SENATE BILL NO. 40—RE-  
REFERRED.

Senator Stone, Chairman of Judiciary Committee No. 1, moved that Senate bill No. 40, which had been referred to his committee, be re-referred to Judiciary Committee No. 2.

The motion was adopted, and the bill was so referred.

## BILLS AND RESOLUTIONS.

Senator Barrett offered the following resolution:

Whereas, One of the newspaper reporters, who has been granted the privileges of the floor of the Senate, sent the following report to the New York American of January 22, 1907:

"No one can tell today what Bailey's re-election cost him, or rather the corporate influences behind him. Money has been spent like water to re-elect him. The city of Austin has seen the debauching of a Legislature. Wine, women and songs were only integral parts of the campaign. Every agency of vice and corruption was resorted to in the effort to secure and hold Bailey votes, and money was spent without stint.

"To the everlasting shame of the State, Bailey is returned and his re-election reeks with scandal and corruption, that makes even the notorious elections in certain other States look paltry and innocuous." And

Whereas, Said report is wholly untrue, unfounded, slanderous and malicious; therefore, be it

Resolved, That a committee of three be appointed by the President of the Senate to investigate the source of this report, to the end that the person or persons responsible for such outrageous and groundless statements may be denied the privileges accorded to the press in the Senate Chamber, and that he be publicly reprimanded by the presiding officer of the Senate, or one designated by him. Be it further

Resolved, That this committee be given power to summon witnesses and compel their attendance, and administer oaths.

(Signed) Barrett, Brachfield, Willacy, Chambers, Terrell, Watson, Griggs, Kellie, Veale.

The resolution was read, and

Senator Looney offered the following amendment:

Amend that "he be publicly reprimanded by the presiding officer of the Senate or one designated by him" be stricken out and that there be inserted in lieu thereof as follows, "that he be suitably punished for such contempt."

The amendment was read and adopted.

Senator Willacy offered the following amendment:

Amend by inserting the following after the word "whereas," "it is charged that."

Senator Terrell offered the following substitute amendment for the amendment:

Strike out all the resolution down to and including the word "Senate," and insert the following:

"Whereas, It is charged that some one has."

The substitute amendment was adopted, and

The resolution was then adopted as amended.

## BILLS.

By Senator Griggs:

Senate bill No. 117, A bill to be entitled "An Act declaring theaters, play houses, opera houses and other show buildings by whatever name known, to be public places of amusement, to prevent the owners, lessees, managers and agents thereof from discriminating against persons, stock companies, corporations or others applying to lease or rent such public places of amusement for productions and renditions of dramas, operas and other shows by whatever name known; to provide for the keeping and exhibiting and booking of all leasings and lettings of such houses; to require certain stipulations in all subsequent leases and renewals for a term; providing penalties for violation of the provisions of this act, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hudspeth:

Senate bill No. 118, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office, with the consent and approval of the Governor and Attorney General, to sell the guayule, lechuguilla, sotol and other vegetation on school land, and to enter into contracts for the purpose of determining the commercial value of those and all other substances found upon public free school land."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Chambers:

Senate bill No. 119, A bill to be entitled "An Act to amend Section 1, Chapter 132, of the Acts of the Twenty-ninth Legislature, so as to permit the owners of land or lots sold to the State or to any city or town for taxes to redeem the same."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Glasscock:

Senate bill No. 120, A bill to be entitled "An Act to amend Section 114 of an Act passed by the First Called Session of the Twenty-ninth Legislature, entitled 'An Act to regulate elections, and to provide penalties for its violation, and to repeal the acts of the Twenty-eighth Legislature of 1903 regulating elections, special and primary, and political conventions, approved April 1, 1903, and also to amend Section 120 of said act as amended by the Second Called Session of said Twenty-ninth Legislature.'"

Read first time, and referred to Committee on Privileges and Elections.

By Senator Green:

Senate bill No. 121, A bill to be entitled "An Act to repeal, except as hereinafter provided Chapters 2, 3 and 4, of Title LXII of the Revised Statutes of Texas, and Article 3159a, of Chapter 4, Title LXII, of the Revised Statutes of Texas, added thereto by the acts of the Regular Session of the Twenty-ninth Legislature; to repeal Article 647a, of Chapter 2, Title VIII, of the Code of Criminal Procedure of the State of Texas, as amended by the acts of the Regular Session of the Twenty-ninth Legislature; to amend article 647 of Chapter 2, Title VIII, of the Code of Criminal Procedure of the State of Texas; to provide for the selection of jurors in all counties in Texas having a city or cities therein, which city or cities contain a population aggregating 20,000 or more people; to provide for penalties for the violation of any of the provisions of this act, and to declare an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Green:

Senate bill No. 122, A bill to be entitled "An Act to prohibit the sale or offer to sell or have in the possession of any person or persons, firm or corporation, milk or cream containing formaldehyde or any other preservative, and providing penalties therefor, and authorizing a civil action for the violation thereof."

Read first time, and referred to Judiciary Committee No. 2.

Morning call concluded.

#### SENATE BILL NO. 33—RE-REFERRED.

Senator Looney moved that the special order of business, Senate bill No. 33, be suspended, and that the Senate take

up out of its order, Senate bill No. 16, the nepotism bill.

Senator Smith moved, as a substitute for the motion by Senator Looney, that Senate bill No. 33 and the pending amendments be re-referred to the committee for further consideration by the committee, and

Senator Griggs moved to table the motion to recommit.

The yeas and nays being called for, the motion to table was lost by the following vote:

#### Yeas—10.

Alexander.	Masterson.
Barrett.	Skinner.
Chambers.	Terrell.
Griggs.	Watson.
Hudspeth.	Willacy.

#### Nays—14.

Brachfield.	Looney.
Glasscock.	Mayfield.
Green.	Meachum.
Greer.	Senter.
Grinnan.	Smith.
Holsey.	Stone.
Kellie.	Veale.

#### Absent.

Faust.	Murray.
Harbison.	Paulus.
Harper.	Stokes.

Question then being on the motion of Senator Smith to refer the bill back to Committee on Internal Improvements, and the motion was adopted.

The Chair then referred the bill to Committee on Internal Improvements.

#### SENATE BILL NO. 16.

On motion of Senator Looney, the special order of business (Senate bill No. 13) was suspended, and the Senate took up, out of its order, Senate bill No. 16.

The Chair laid before the Senate, on its second reading,

Senate bill No. 16, A bill to be entitled "An Act making it an offense punishable by fine and removal from office for any executive, legislative or judicial officer of this State, county, city or other municipal subdivision of the State, to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office position, employment or duty in any department of the government of which such executive, legislative or judicial officer may be a

member; or any person so related to any other such officer, in consideration of the appointment or vote for the appointment by such other officer, of any person so related to the officer making or voting for such appointment; prohibiting the payment of any such ineligible person out of any public funds, and providing for suitable punishment and removal from office for the violation of this act and fixing venue."

Senator Looney offered the following amendment, which was adopted:

Amend the bill, page 2, line 29, by striking out the word "qualify" and insert in lieu thereof the word "justify."

Senator Looney offered the following amendment, which was adopted:

Amend the bill by striking out the word "confidential," in line 29, page 2.

Senator Looney offered the following amendment, which was adopted:

Amend the bill, line 22, page 2, by adding after the word "stenographer" the word "deputy."

Senator Looney offered the following amendment, which was adopted:

Amend by adding:

"Sec. 8. The absence of any law of this State prohibiting nepotism creates an emergency and an imperative public necessity, demanding the suspension of the constitutional rule requiring bills to be read on three several days, and the same is so done, and that this act take effect and be in force from and after its passage, and the same is so enacted."

(President Pro Tem. Skinner in the chair.)

Senator Smith offered the following amendment:

Amend Section 4, page 2, line 17, by inserting after the words "managers of" in said line the following: "The State University and its several branches, State normals."

The amendment was adopted.

Senator Terrell offered the following amendment, which was adopted.

Amend the bill by adding to the caption the following: "And providing an emergency."

(Lieutenant Governor Davidson in the chair.)

Senator Barrett offered the following amendment:

Amend Section 4, line 30, by adding the following: "Provided, that the provisions of this bill shall not apply to ex-Confederate soldiers or their widows who are fully qualified to render efficient service."

BARRETT,  
STONE.

Senator Skinner made a point of order that the substance matter in the amendment had already been acted on by the Senate in a former amendment to this bill, and pending discussion on the subject, the Chair overruled the point of order.

The amendment was lost by the following vote:

Yeas—7.

Barrett.	Meachum.
Glasscock.	Stone.
Harbison.	Watson.
Hudspeth.	

Nays—19.

Alexander.	Masterson.
Brachfield.	Mayfield.
Chambers.	Murray.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Terrell.
Holsey.	Veale.
Kellie.	Willacy.
Looney.	

Absent.

Faust.	Paulus.
Harper.	Stokes.

Senator Smith offered the following amendment, which was adopted:

Amend Section 4 by adding thereto the following: "Nor shall such boards of managers or regents appoint any one to a position whose services are paid out of the public fund in any such departments or institutions of learning, who is at the time of such appointment related either by blood or marriage within the third degree to any other person who is at the time of such appointment an employee therein."

Senator Greer offered the following amendment, which was adopted:

Amend the bill by adding after the word "legislative" wherever it occurs the word "ministerial."

Senator Meachum offered the following amendment, which was adopted:

Amend the bill by adding after the word "funds," in line 28, Section 1, the following: "Provided, it shall be unlawful, under the provisions of this act, for any district judge to appoint as official stenographer for his district any person related within the third degree to the judge or district attorney of such district."

Senator Alexander offered the following amendment:

Amend Senate bill No. 16 by adding after the word "funds," line 28, page 1, "or fees of office."

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, January 28, 1907.

Hon. A. B. Davidson, President of the  
Senate.

Sir: I am directed by the House to  
inform the Senate that the House has  
passed the following bills:

House bill No. 26, A bill to be entitled  
"An Act creating a more efficient road  
system for Wood county, Texas."

House bill No. 106, A bill to be entitled  
"An Act providing for a special road  
law for Shelby county."

House bill No. 127, A bill to be entitled  
"An Act to repeal Chapter 32 of the Acts  
of the Twenty-eighth Legislature, page  
241, entitled, 'An Act to create a more  
efficient road law for Henderson  
county.'"

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILLS READ AND REFERRED.

The Chair, Lieutenant Governor David-  
son, had read and referred, after their  
captions had been read, the following  
House bills:

House bill No. 26, to Committee on  
Roads, Bridges and Ferries.

House bill No. 106, to Committee on  
Roads, Bridges and Ferries.

House bill No. 127, to Committee on  
Roads, Bridges and Ferries.

(See captions in above House mes-  
sage.)

## EXECUTIVE MESSAGE.

Executive Office,  
Austin, Texas, January 25, 1907.

To the Senate:

The advice and consent of the Senate  
is requested to the following appoint-  
ments:

Trustees of the North Texas Insane  
Asylum at Terrell—Dr. W. A. Watkins,  
Walter D. Adams, Ben L. Gill, John L.  
Terrell, Eli Gafney.

T. M. CAMPBELL,

Governor.

EXECUTIVE SESSION — TIME SET  
FOR.

On motion of Senator Meachum, tomor-  
row morning at 11 o'clock was designated  
as the time for the Senate to sit in  
executive session for the purpose of con-  
sidering the appointments sent to the  
Senate today.

SPECIAL COMMITTEE — APPOINT-  
MENT OF.

The Chair, Lieutenant Governor Da-  
vidson, announced the appointment of the  
following as the committee provided for  
in the resolution on this morning to in-  
vestigate as to origin of certain news-  
paper dispatches from Austin, reflecting  
upon the members of the Legislature:

Senators Barrett, Terrell and May-  
field.

## ADJOURNMENT.

On motion of Senator Stone, the Sen-  
ate, at 1 o'clock, adjourned till tomor-  
row morning at 10 o'clock.

## APPENDIX.

## COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the  
Senate.

Sir: Your Judiciary Committee No.  
1, to whom was referred

Senate bill No. 96, A bill to be entitled  
"An Act to amend Section 3 of Chapter  
128 of the General Laws of the State of  
Texas, passed at the Regular Session of  
the Twenty-ninth Legislature, entitled  
'An Act to provide for recording notices  
lis pendens and levies, to define the ef-  
fect of such notice and to repeal all laws  
in conflict therewith,' and to declare an  
emergency,"

Have had the same under considera-  
tion, and I am instructed to report it  
back to the Senate with the recommen-  
dation that it do pass.

STONE, Chairman.

Committee Room,  
Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the  
Senate.

Sir: Your Judiciary Committee No.  
1, to whom was referred

Senate bill No. 45, A bill to be entitled  
"An Act on the subject of private cor-  
porations organized for the purpose of  
owning, maintaining and caring for pub-  
lic or private cemeteries, defining their  
powers and exempting the same from cer-  
tain provisions of the statutes of this  
State,"

Have had the same under considera-  
tion, and I am instructed to report it  
back to the Senate with the recommenda-  
tion that it do pass, with the following  
amendment:

"Provided, that the city council of any city in which the cemetery is to be located shall have the power to control the location of any such cemetery and to prescribe the maximum prices at which lots therein shall be sold to the public; and when any such cemetery is located without the limits of any city, the commissioners court of such county shall have the power to prescribe the maximum at which lots therein shall be sold."

STONE, Chairman.

Committee Room,  
Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 47, A bill to be entitled "An Act to amend Article 996 of Chapter 13, Title XXVII, of the Revised Civil Statutes of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,  
Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 48, A bill to be entitled "An Act to amend Article 975, Chapter 8, Title XXVII, of the Revised Civil Statutes of Texas, concerning judgments of the Supreme Court,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,  
Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 44, A bill to be entitled "An Act amending Article 3106, Title LIX, of the Revised Statutes of the State of Texas, 1895, and prescribing the pains and penalties for the collection of usurious interest, and fixing the venue of suits for the recovery of the same,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,

Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 87, A bill to be entitled "An Act to amend Article 2312 of Title XL, Chapter 4, of the Revised Civil Statutes of the State of Texas, pertaining to the admission of recorded instruments in evidence without proof of their execution, unless an affidavit be filed stating that such instrument of writing is believed to be a forgery; and providing that where such instrument against which an affidavit of forgery has been filed has been duly of record for more than five years, the burden of proof shall be upon the party for whose benefit such affidavit of forgery is filed, to show such instrument to be a forgery; and providing further for the admission of such instrument during the trial, the introduction of evidence relating thereto, the determination and trial of such issues raised, as well as for the admission of a certified copy of such instrument in case of loss or liability to procure the original, and regulating the procedure in regard thereto where such affidavit of forgery has been filed, and repealing all laws in conflict herewith and creating an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,  
Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 17, A bill to be entitled "An Act to amend Article 4507 of Title XCIV of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,  
Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act declaring void sales of por-

tions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecutions of the seller's business, and sales of entire stocks in bulk, unless made in compliance with certain named conditions, and prescribing such conditions and regulations according to which such sales may be made valid."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

#### Majority Report.

Committee Room,

Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 56, A bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections and experiments by authorized persons,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the exception of bodies from the Orphans' Home, Confederate Home, Deaf and Dumb Institute, Insane Asylum, Blind Institute and Epileptic Colony.

STONE, Chairman.

#### Minority Report.

Committee Room,

Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 56, A bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections and experiments by authorized persons,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

CHAMBERS.

Committee Room.

Austin, Texas, January 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to amend Articles 2639 and 2640 of the Revised Statutes of Texas of 1895, relating to the investment and loaning by a guardian of money belonging to his ward,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,

Austin, Texas, January 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 9, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the 1st day of January, 1887, and which have failed, or about to fail to construct their roads and branches, or any part thereof, within the time required by law,"

And find the same correctly engrossed.

BARRETT, Acting Chairman.

#### SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, January 29, 1907.

Senate met pursuant to adjournment.

President Pro Tem. Skinner in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Harper.

Paulus.